

Remarks:

Amendments:

Support for the amendments to the claims can be found in the application as originally filed. No new matter is added.

Fees:

Any necessary claim or other fees are to be charged to and any refunds credited to deposit account 260166.

Specification:

Applicants note the Examiner's comment (item 3 on page 3 of the official action). At this time Applicants are not aware of any errors in the specification.

Claim Objections and Claim Rejections under 35 U.S.C. § 112, first paragraph:

Applicants have amended the claims to solely claim the compound of Example 3 by cancelling claim 1-3.

Further, Applicants have amended claims 4 and 7 to cancel the objected to language "solvate or a solvate of a salt thereof."

In view of the amendments to the claims submitted herein, Applicants respectfully suggest that the claim objections and claim rejections under 35 U.S.C. § 112, first paragraph are moot or overcome and requests that the Examiner reconsider and withdraw all such rejections.

Double patenting rejections:

Applicants respectfully point out that Published Patent Application US2004/0186113 is Application Number 10/498699 which has been abandoned, and that Published Patent Application US2006/0052396 is Application Number 10/481721 which has also been abandoned. Accordingly, with regard to these two abandoned application Applicants believe the Examiner's double-patenting rejection is moot.

Published Patent Application US2006/0173014 is Application Number 10/539546 that is pending. Applicants respectfully request that the Examiner hold this rejection for non-statutory obviousness-type double patenting in abeyance until allowable claims are agreed.

Request for Rejoinder:

Applicants respectfully submit that the claims are now in condition for allowance and request that the process (method) claims be rejoined with the product (compound) claims. Upon rejoinder, Applicants will amend the scope of the process claim to be commensurate with that of the product claims.

Reservation of Rights:

Applicants expressly reserve the right to file one or more continuation applications directed to subject matter found in the application as originally filed that is not encompassed by the claims of this application.

Conclusion:

Applicants respectfully submit that the claims as presented are in condition for allowance and solicit prompt issuance of a Notice of Allowance and Issue Fee Due.

Respectfully submitted,

Dated: November 17, 2008

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